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### REMARKS

With this amendment, claims 1-45 and 47-71 are currently pending in the application. Claims 1, 28, 44 and 66 have been amended to address the Examiner's objections and rejections. No new matter has been added.

### EXAMINER INTERVIEW OF MAY 21, 2007

Applicants wish to thank Examiner Jaworski for taking the time to conduct a telephone interview on May 21, 2007 with applicant's representative, Scott Griffin. The objections and rejections presented in the April 2007 office action were discussed. The preceding amendments and the following remarks incorporate the suggestions presented by the Examiner during the interview to overcome the objections and rejections, and as such, entry of these amendments and allowance of the present application is respectfully requested.

#### **I. OBJECTIONS TO CLAIMS**

The Office Action objected to claims 1-4, 12-31, 39-43, and 66-67 because

the relationship of the 'interface' to the 'human tissue in vivo' and/or the 'acoustically coupling (step)' should be clarified since it is subject to diverse interpretations if the interface is construed as unrelated to tissue.

The Applicants have amended independent claims 1, 28, and 66 to more precisely define the claims. As amended, representative independent claim 1 is no longer subject to diverse interpretations and reads "such that the acoustic wave emitted from the at least one transducer reflects upon striking the interface and after reflection travels parallel to and along the interface whereby said acoustic wave impinges and has a therapeutic effect on organic tissue." The claim, as amended, clearly specifies that the interface includes human tissue in vivo and/or the acoustically coupling step. As such, the claim can no longer be construed as being unrelated to tissue, and, consequently the applicants respectfully ask that the objection be withdrawn.

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Similar amendments have been made to claims 28, 44 and 66. Applicants respectfully submit that these claims and their dependent claims are now in condition for allowance, and the objections be withdrawn.

## **II. REJECTIONS UNDER 35 U.S.C. § 112**

The Office Action rejected claims 44-45 and 51-55 under 35 U.S.C. 112 second paragraph;

as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention since as amended the meaning of the interface in broadest terms is unclear since the relationship of the interface to mode conversion and/or propagation to tissue is unclear. Additionally it is unclear how or if the critical angle relates to either.

Applicants have amended independent claim 44 to read: "a plurality of side surfaces capable of receiving at least one second transducer and positioned at critical angles relative to the bottom surface such that an acoustic wave emitted from at least one of the first and second transducers strikes an interface, whereby said acoustic wave impinges and has a therapeutic effect on organic tissue." As amended, independent claim 44 recites the relationship of the interface to mode conversion and/or propagation to tissue. Claim 44, as amended, particularly points out and distinctly claims the subject matter of the invention, therefore the applicants respectfully ask that the rejection be withdrawn. Further, independent claims 45 and 51-55, which depend upon independent claim 44, have also been rejected for substantially the same reasons as claim 44. Because claims 45 and 51-55 necessarily incorporate the amendments to claim 44, the applicants respectfully ask that the rejections be withdrawn and submit that claims 44, 45, and 51-55 are now in condition for allowance.

## **III. REJECTION UNDER 35 U.S.C. § 103 TO *GEBHARDT***

The Office Action rejected claims 44-45, "under 103(a) as being unpatentable over Gebhardt et al (EP0425765) . . . figs. 1 and 3." (*Gebhardt*). This rejection is

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respectfully traversed. The office action states that *Gebhardt* “shows a mode converter having a top and parallel bottom surface capable of receiving a transducer therebetween. . . .” Applicants respectfully submit that Figures 1 and 3 of *Gebhardt* do not teach or suggest “a top surface capable of receiving a first transducer” as claimed in independent claim 44. The *Gebhardt* device shows a transducer positioned within a mode converter. *Gebhardt* fails to teach or suggest “a top surface capable of receiving a first transducer,” as is recited in claim 44. *Gebhardt* does not teach or suggest all of the elements in independent claim 44.

Further, independent claim 44 requires a “top surface capable of receiving a first transducer; [and] a substantially flat bottom surface parallel to the top. . . .” In an embodiment of claim 44, a transducer received by a top surface, which is parallel to the substantially flat bottom surface, would necessarily also be parallel to the substantially flat bottom surface. Neither Figure 1 nor Figure 3 of *Gebhardt* teaches or suggests a transducer which is parallel to the substantially flat bottom surface. *Gebhardt* fails to teach or suggest each of the elements of independent claim 44, therefore the Applicants respectfully request that the rejection be withdrawn.

Finally, *Gebhardt* does not teach or suggest a modal converter that has a “trapezoidal cross-section” as required by dependent claim 45. A trapezoid is defined as “a quadrilateral having two parallel sides.” AMERICAN HERITAGE DICTIONARY 1836 (4th ed. 2006). The device in *Gebhardt* includes five sides and therefore is, by definition, not a trapezoid. Because *Gebhardt* does not teach or suggest a modal converter having a “trapezoidal cross-section,” it does not teach or suggest all of the elements in dependent claim 45, and the Applicants respectfully request that the rejection be withdrawn.

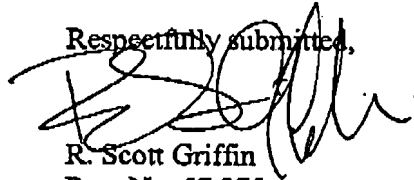
For at least these reasons, the Applicants respectfully submit that claims 44 and 45, as amended, are in condition for allowance and request that these rejections be withdrawn.

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**CONCLUSION**

Applicants respectfully submit that claims 1-45 and 47-71, as amended, are in condition for immediate allowance, and requests early notification to that effect. If any issues remain to be resolved, the Examiner is respectfully requested to contact the undersigned attorney for the Assignee at 404.745.2434 to arrange for a telephone interview prior to issuance of an Office action.

Respectfully submitted,



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